List of Attachments for Item No. 8 Sobek Pool

Attachments:

8A	Planning Commission Staff Report - February 10, 2016
8B	Planning Commission Resolution
8C	Notice of Exemption
8D	Overall Site Plan
8E	Construction Specifications
8F	Public Correspondence



MILPITAS PLANNING COMMISSION STAFF REPORT

February 10, 2016

APPLICATION: Sobek Swimming Pool & Spa – 1506 Augusta Court – SD15-

0003 - A Site Development Permit request to construct a new swimming pool for an existing single-family residence located on a 7.2-acre lot with a zoning designation of Single-Family Residence with Hillside Combining District (R1-H). This project was reviewed and denied by the Planning Commission on June 24 2015. This project is categorically exempt from further CEQA review pursuant to both Section 15301 (Existing Facilities) and

Section 15303 (New Construction or Conversion of Small

Structures) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution

No. 16-001 recommending the City Council approve Site Development Permit No. SD15-0003 to allow the construction of a swimming pool and spa on a hillside residential lot subject

to the conditions of approval.

LOCATION:

Address/APN: 1506 Augusta Court (APN 29-54-013)

Area of City: Southerly side of Augusta Court at Country Club Drive

PEOPLE:

Project Applicant: Mark Barber

Property/Business Owner: Dale W. Sobek, Trustee
Project Planner: Azhar Khan, Junior Planner

LAND USE:

General Plan Designation: Hillside Medium Density (HMD) up to three units per gross acre

Zoning District: Single Family Residential with Hillside Combining District (R1-H

PUD 21)

Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant

to both Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the

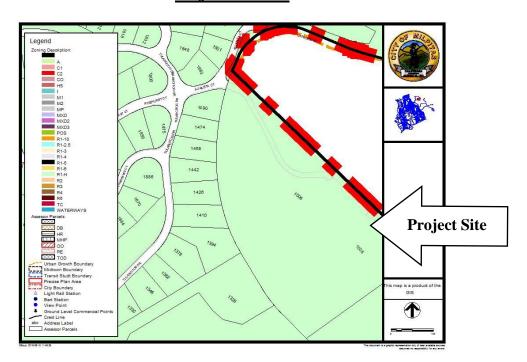
California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Site Development Permit to construct an in-ground swimming pool and spa on a hillside single-family residential lot. The Site Development Permit is required

because Milpitas Municipal Code Section XI-10-45.09-2(c) states that an approved site and architectural review by the Planning Commission and City Council is necessary prior to the issuance of a building permit for any modification that requires a building permit in any Hillside "H" Zoning District. The purpose of the review in this particular case is to ensure that the swimming pool and spa will not constitute an invasion of privacy, unreasonable interfere with views, light or air, or create adverse impacts upon the aesthetic character of the existing neighborhood residential structures. A public hearing is only required at the Planning Commission level. The City Council review is not a public hearing item. This project was denied by the Planning Commission on June 24, 2015 due to the state-wide drought conditions.

Map 1 **Project Location**



Aerial Photo



Photo 1 Pool Area



Photo 2 View Off-site from Pool Area



Photo 3
View Uphill from 1394 Tularcitos Drive



BACKGROUND

The project site is located in the Summitpointe Residential Subdivision on an approximately 7.2-acre parcel with an existing single-family detached residence and a caretaker residence that was granted with an approved Conditional Use Permit. On May 22, 2015, Mark Lindquist, on behalf of the property owner, Sally Sobek, submitted a complete application to construct a new swimming pool and spa in the rear yard of the existing residence. Existing lawn area will be removed for the pool excavation. The application was denied by the Planning Commission on June 24, 2015 due to the statewide drought conditions. On December 8, 2015, Mark Barber (the applicant) submitted a new application to proceed with the project to obtain entitlements on the condition of constructing the pool when the drought conditions have been lifted.

PROJECT DESCRIPTION

Overview

The new in-ground swimming pool and spa would replace an existing turf area in the rear yard. No existing trees would be removed. The pool would be approximately 20 ft. by 62 ft. in size with a vanishing edge. The spa would be elevated about 18 inches above the pool. The pool excavation would result in less than 500 cubic yards of soil material, some of which may need to be exported. The pool would be setback from the rear of the residence at approximately 38 feet and 24 feet from the existing patio and sunroom. A new low retaining wall would be constructed between the house/patio and the pool to create a flat terrace area around the pool and spa.

Location and Context

The project is located on a large lot in the southeasterly corner of the residential subdivision around the Summitpointe Golf Club. The residence has a private driveway access from Augusta Court. Vertically, the existing residence and proposed pool sit at a height elevation that is substantially above (approximately 120 feet) the nearest residences to the west. Horizontally, the nearest existing residence is approximately 350 feet away, ranging up to about 520 feet for the closest houses. An open, non-buildable hillside separates the pool site from the nearest existing residences located downhill to the west.

PROJECT ANALYSIS

The project has a General Plan Land Use designation of Hillside Medium Density (HMD) that allows up to three (3) units per gross acre. The zoning designation is Single Family Residential with Hillside Combining District (R1-H) and is within PUD 21. The site is bounded by open space and Augusta Court to the north, open hillside to the east, another large single-family residential lot to the south, and existing single-family residences and the golf course to the west. Vicinity and location maps of the subject site location are included on the previous page.

General Plan and Zoning Conformance

The General Plan Designation for this site is Hillside Medium Density. The current General Plan utilizes this land use category to accommodate existing hillside development. To ensure safety and to preserve the natural ambiance of the hillside areas, all development is to be of low-density

rural residential nature. General Plan Policy 2.a.-l-25 requires city review and approval of all proposed development or major alterations to existing development in the hillside. The intent of this policy is to ensure that development within the foothills is in keeping with the natural character of the hillside, and that views are protected. The proposed project is consistent with the Hillside Medium Density designation in that no new residential development or subdivision is proposed. The proposed pool and spa is for an existing single-family residence.

The Zoning Designation for this site is Single Family Residential with Hillside Combining District (R1-H) and is within PUD 21. The purpose and intent of the Hillside Combining district is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with the development of hillside areas. The proposed project is for an in-ground swimming pool and spa in the rear yard of an existing single-family residence. Municipal Code Section XI-10-45.09-2 requires site and architectural review any modification on a hillside lot that require a building permit. The swimming pool and spa requires a building permit, therefore, a site development permit is necessary.

In accordance with Section XI-10-45.09-7, the Planning Commission and City Council are required to consider the following site and architectural guidelines in its review process.

- 1. Avoid unreasonable interference with views and privacy.
- 2. Preserve natural landscape.
- 3. Minimize perception of excessive bulk.
- 4. Avoid impairment of light, air and solar access.
- 5. Minimize grading.

The project is consistent with the Milpitas Zoning Code in terms of land use. Subject to satisfaction of other applicable code provisions, the construction of an in-ground swimming pool and spa for an existing single-family residence is permitted in the R1-H Zoning District with an approved site development permit. The project complies with the R1-H development standards and requirements as described in the sections below.

Climate Action Plan Conformance – Water Conservation

According to Milpitas Municipal Code section VIII-6-5.00, in the absence of an exception, the construction of new swimming pools is prohibited in observance of water conservation efforts and requirements. However, VIII-6-5.08 provides that the City Council may grant exceptions to this prohibition. Thus, in accordance with VIII-6.508, the Planning Commission could recommend that the City Council grant an exception in this instance. Such an exception could be conditioned on, for example, the deferral of construction of any such swimming pool and spa until such time as the Governor declares an end to the State of Emergency declared on January 17, 2014, with respect to severe drought conditions throughout the state, and an imposition of the requirement that, once constructed, the swimming pool and spa shall not use potable water supplied by any supplier serving the City of Milpitas or its residents.

Development Standards

The proposed project would not alter the existing residential structure in any way other than replacing the turfed rear yard area with an in-ground swimming pool, spa and surrounding patio/pool deck. There would be no accessory structure to be used as a pool house or cabana

included in the project. The existing impervious area of the site increases by 2,400 sq. ft. with the construction of the pool and spa. The table below demonstrates how the project is consistent with the development standards of the R1-H zoning district.

Table 1
Summary of Development Standards

	Hillside Standard	Proposed	Complies?
Setbacks (Minimum)			
Front	40 feet	No change	Yes
Side	40 feet,	No change	Yes
Rear	40 feet	No change	Yes
Building Height (Maximum)	17', one story	No change	Yes
Impervious Surface	30,000 sq. ft.	28,550 sq. ft.	Yes

The following discussion reviews the hillside development site and architectural design review guidelines as required by the Zoning Ordinance.

Site & Architectural Design

1. Avoid unreasonable interference with views and privacy.

The project would not interfere with existing views and privacy due to the horizontal and vertical distances from the nearest existing residences. The project conforms to the hillside lighting standards for swimming pools and spas in that no light sources would be directly visible from off the site. The Summerpointe HOA has reviewed and approved the project.

2. Preserve natural landscape.

The project would not remove or disturb any existing natural landscaping. It would be located within the building envelope (rear yard) of the existing residence. An existing turfed area would be removed.

3. Minimize perception of excessive bulk.

The project would consist of an in-ground swimming pool and spa that will not alter or increase the bulk or massing of the existing residential development. A pool house or cabana accessory structure is not proposed as part of the project.

4. Avoid impairment of light, air and solar access.

As an in-ground swimming pool and spa, the project would not impair the light, air or solar access of the adjacent residences. There is significant horizontal and vertical separation between the project and the nearest houses. The Summerpointe HOA has reviewed and approved the project.

Grading

5. Minimize grading.

The hillside combining district defines excavation as grading. The excavation for the swimming pool and spa would result in an aggregate volume of grading that is less than 500 cubic feet. The Community Development Manager can approve this amount of grading if the grading plan is found to be in conformance with the provisions of the hillside combining district. The project does conform to the grading provisions in that the swimming pool installation only requires the excavation of the existing terraced rear yard. The grading could not be much less minimal.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making its decision. The following findings identify the rationale behind the staff recommendation that the Planning Commission approve the project.

Site Development Permit (Section XI-10-57-03-1(F)

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The project is consistent with this finding because the in-ground swimming pool and spa would be located in the rear yard of an existing single-family residence on a 7.2-acre hillside lot and complies with the hillside development site and architectural design review guidelines.

2. The project is consistent with the Milpitas Zoning Ordinance.

Assuming the City Council granted an exception under VIII-6.508, the project would be consistent with this finding because the in-ground swimming pool and spa is an allowed use in the Single Family Residential with Hillside Combining District (R1-H) Zoning District and complies with the development standards of that zoning district. However, without an exception to the Supplemental Water Use Restrictions found in VIII-6.5.00, the project could not be found in compliance with the Zoning Ordinance.

3. The project is consistent with the Milpitas General Plan.

The project is consistent with this finding because the proposed in-ground swimming pool and spa is for an existing single-family residence with a General Plan Land Use designation of Hillside Medium Density that was developed consistent with the allowed density and applicable policies of that land use designation.

4. The project is consistent with the Milpitas Water Conservation Ordinance.

According to Milpitas Municipal Code section VIII-6-5.00, in the absence of an exception, the construction of new swimming pools is prohibited in observance of water conservation efforts and requirements. However, VIII-6-5.08 provides that the City Council may grant exceptions to this prohibition. Thus, in accordance with VIII-6.508, the Planning Commission could

recommend that the City Council grant an exception in this instance. Such an exception could be conditioned on, for example, the deferral of construction of any such swimming pool and spa until such time as the Governor declares an end to the State of Emergency declared on January 17, 2014, with respect to severe drought conditions throughout the state, and an imposition of the requirement that, once constructed, the swimming pool and spa shall not use potable water supplied by any supplier serving the City of Milpitas or its residents.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff has determined that this project is exempt under CEQA under both Section 15301 (Existing Facilities) of the CEQA Guidelines, insomuch as the project consists of the construction of an in-ground swimming pool and spa at an existing single-family residence, and is thus a minor alteration of an existing private feature or structure, involving no expansion of use beyond that existing at the time of the City's determination; and Section 15303 (New Construction or Conversion of Small Structures), for the same reasons.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there was one response from the public opposing the construction of the pool. A notice was published in the Milpitas Post on January 29, 2016. In addition, public hearing notices were sent to owners and occupants within 300 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council as a consent item.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

- 1. Open and Close Public Hearing
- 2. Adopt a Resolution recommending the City Council approve the Site Development Permit No. 15-0003 with Conditions of Approval.

ATTACHMENTS

- A. Resolution approving the Site Development Permit with Conditions of Approval
- B. Property easement, Impervious calcs., Site plan, Site distance, Topo map, Pool Plan
- C. Public Correspondences

RESOLUTION NO. 16-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL GRANT AN EXCEPTION PER VIII-6.5.08 AND GRANT THE SITE DEVELOPMENT PERMIT NO. 15-0003 TO ALLOW THE CONSTRUCTION FOR A HILLSIDE IN-GROUND SWIMMING POOL AND SPA SUBJECT TO THE CONDITIONS OF APPROVAL LOCATED AT 1506 AUGUSTA COURT

WHEREAS, on December 8, 2015, Mark Barber submitted a complete application on behalf of Sally Sobek, the property owner, to construct an in-ground swimming pool and spa on a single-family residential hillside lot at 1506 August Court (APN: 29-54-013); and

WHEREAS, the Zoning Designation for this site is Single Family Residential with Hillside Combining District (R1-H), within PUD 21. Milpitas Municipal Code Section XI-10-45.09-2 requires site and architectural review any modification on a hillside lot that require a building permit; and

WHEREAS, additionally, Milpitas Municipal Code section VIII-6-5.00, in the absence of an exception, prohibits the construction of new swimming pools in observance of water conservation efforts and requirements. However, Milpitas Municipal Code section VIII-6-5.08 provides that the City Council may grant exceptions to this prohibition; and

WHEREAS, the applicant has committed to **not** construct the swimming pool and spa until the Governor declares an end to the State of Emergency declared on January 17, 2014, and an imposition of the requirement that, once constructed, the swimming pool and spa shall not use potable water supplied by any supplier serving the City of Milpitas or its residents; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA under both Section 15301 (Existing Facilities) of the CEQA Guidelines, insomuch as the project consists of the construction of an in-ground swimming pool and spa at an existing single-family residence, and is thus a minor alteration of an existing private feature or structure, involving no expansion of use beyond that existing at the time of the City's determination; and Section 15303 (New Construction or Conversion of Small Structures), for the same reasons; and

WHEREAS, on February 10, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the

public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

<u>Section 2:</u> The project is Categorically Exempt from further environmental review pursuant to both Section 15301 (Existing Facilities) of the CEQA Guidelines, insomuch as the project consists of the construction of an in-ground swimming pool and spa at an existing single-family residence, and is thus a minor alteration of an existing private feature or structure, involving no expansion of use beyond that existing at the time of the City's determination; and Section 15303 (New Construction or Conversion of Small Structures), for the same reasons.

<u>Section 3:</u> Site Development Permit (Section XI-10-57-03(F) - The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD15-0003:

a) The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The project is consistent with this finding because the in-ground swimming pool and spa will be located in the rear yard of an existing single-family residence on a 7.2-acre hillside lot and complies with the hillside development site and architectural design review guidelines.

b) The project is consistent with the Milpitas General Plan:

The project is consistent with this finding because the proposed in-ground swimming pool and spa is for an existing single-family residence with a General Plan Land Use designation of Hillside Medium Density that was developed consistent with the allowed density and applicable policies of that land use designation.

c) The project is consistent with the Milpitas Zoning Ordinance:

Assuming the City Council granted an exception under VIII-6.508, the project would be consistent with this finding because the in-ground swimming pool and spa is an allowed use in the Single Family Residential with Hillside Combining District (R1-H) Zoning District and complies with the development standards of that zoning district. However, without an exception to the Supplemental Water Use Restrictions found in VIII-6.5.00, the project could not be found in compliance with the Zoning Ordinance.

d) The project is consistent with the Milpitas Water Conservation Ordinance.

According to Milpitas Municipal Code section VIII-6-5.00, in the absence of an exception, the construction of new swimming pools is prohibited in observance of water conservation efforts and requirements. However, VIII-6-5.08 provides that the City Council may grant exceptions to this prohibition. Thus, in accordance with VIII-6.508, the Planning Commission could

recommend that the City Council grant an exception in this instance. Such an exception could be conditioned on, for example, the deferral of construction of any such swimming pool and spa until such time as the Governor declares an end to the State of Emergency declared on January 17, 2014, with respect to severe drought conditions throughout the state, and an imposition of the requirement that, once constructed, the swimming pool and spa shall not use potable water supplied by any supplier serving the City of Milpitas or its residents.

<u>Section 4:</u> The Planning Commission of the City of Milpitas hereby adopts **Resolution** No. 16-001 recommending the City Council grant an exception per VIII-6.5.08 and grant the Site Development Permit No. 15-0003 subject to conditions of approval substantially similar to those included as Attachment A.

PASSED AND ADOPTE) at a reg	ılar meeting	g of the	Planning	Commission	of the	City of
Milpitas on February 10, 20	16.						

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on February 10, 2016, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Lawrence Ciardella				
Hon Lien				
Rajeev Madnawat				
Ray Maglalang				
Zeya Mohsin (Alternate)				
Demetress Morris				

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Gurdev Sandhu				

EXHIBIT 1

CONDITIONS OF APPROVAL SOBEK POOL, SITE DEVELOPMENT PERMIT NO. 15-0003

General Conditions

- 1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Site Development Permit No. 15-0003 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Division.
- 2. <u>Effective Date</u>. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
- 3. <u>Acceptance of Permit</u>. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
- 4. <u>Permit Expiration</u>. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
- 5. <u>Time Extension</u>. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. (**P**)

- 6. <u>Project Job Account</u>. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit.
- 7. <u>Notice</u>. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d) (1).
- 8. <u>Cost and Approval</u>. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.
- 9. <u>Conditions.</u> Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.
- 10. <u>Compliance with Laws</u>. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. (CA/P)
- 11. <u>Previous Approvals</u>. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
- 12. <u>Indemnification</u>. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages that City incurs in enforcing the

indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

- 13. <u>Revocation, Suspension, Modification</u>. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
- 14. <u>Severability</u>. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
- 15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on June 24, 2015, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. (P)

1. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application at the time of first submittal. (ALL)

Project Specific Conditions

- 16. **Outdoor Lighting.** The project shall comply the Swimming Pool and Spa outdoor artificial lighting standards as enumerated in Municipal Code Section XI-10-45.15-2. **(P)**
- 17. **Building Permits**. No building permits shall be issued for the construction of swimming pool and or spa-until the Governor declares an end to the State of Emergency declared on January 17, 2014, with respect to severe drought conditions throughout the state. **(P)**
- 18. **Potable Water Use Restriction.** Once constructed, the swimming pool and spa shall not use potable water supplied by any supplier serving the City of Milpitas or its residents. (**E**)
- 19. **Approved Site Plan.** The project shall conform to the Pool Site Plan prepared by Lifetime Pools, dated 1/23/2015 and received by the City on December 8, 2015. As shown on the plans, <u>no</u> accessory structures, such as a cabana or shower/changing room is approved with the swimming pool and spa. **(P)**

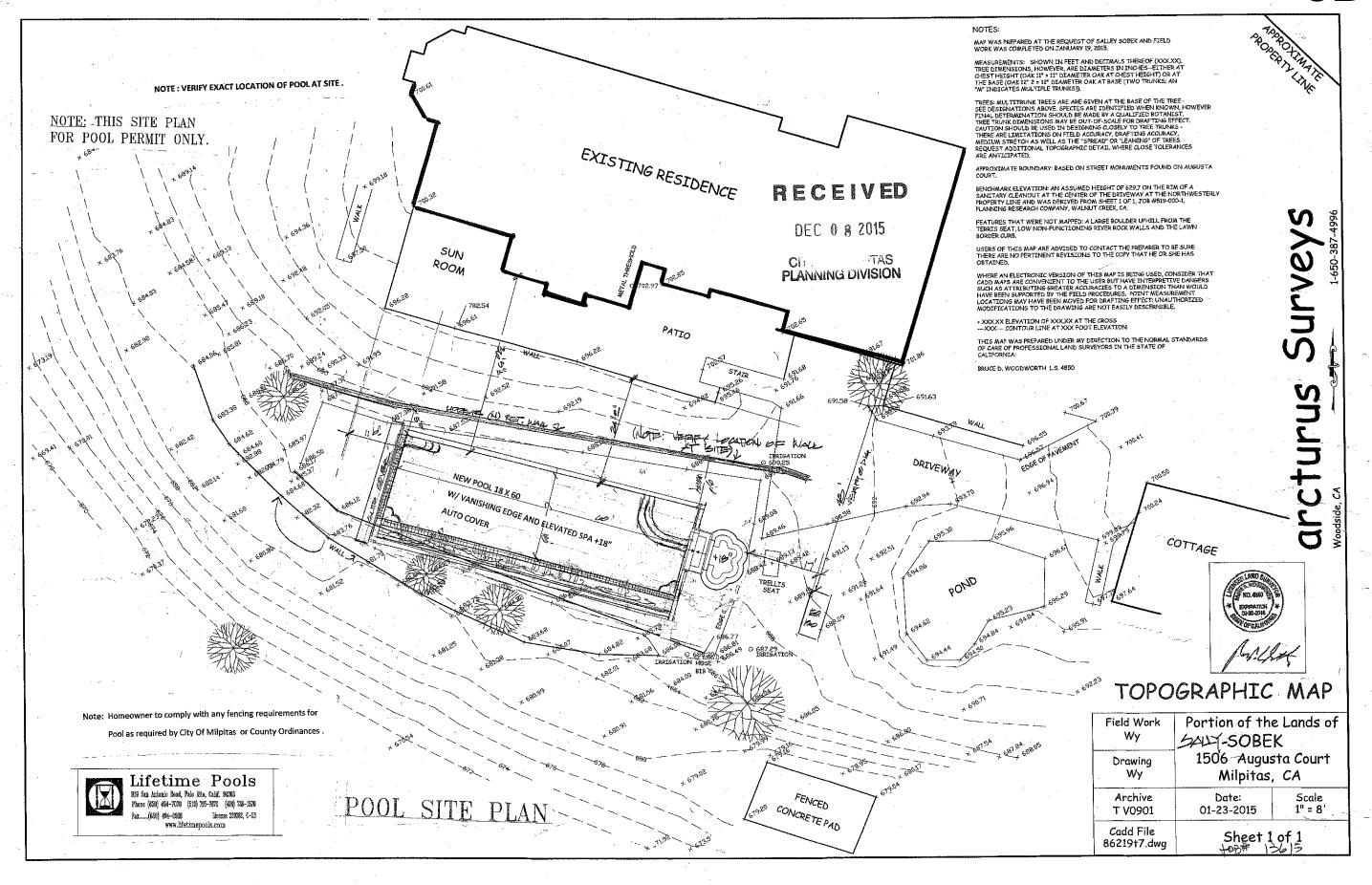
- 20. **Pool and Spa Cover.** Upon construction and operation of the swimming pool, the swimming pool and spa shall remain covered when not in use in order to reduce evaporation. (**E**)
- (P) = Planning
- (B) = Building
- (E) = Engineering
- (F) = Fire Prevention
- (CA) = City Attorney

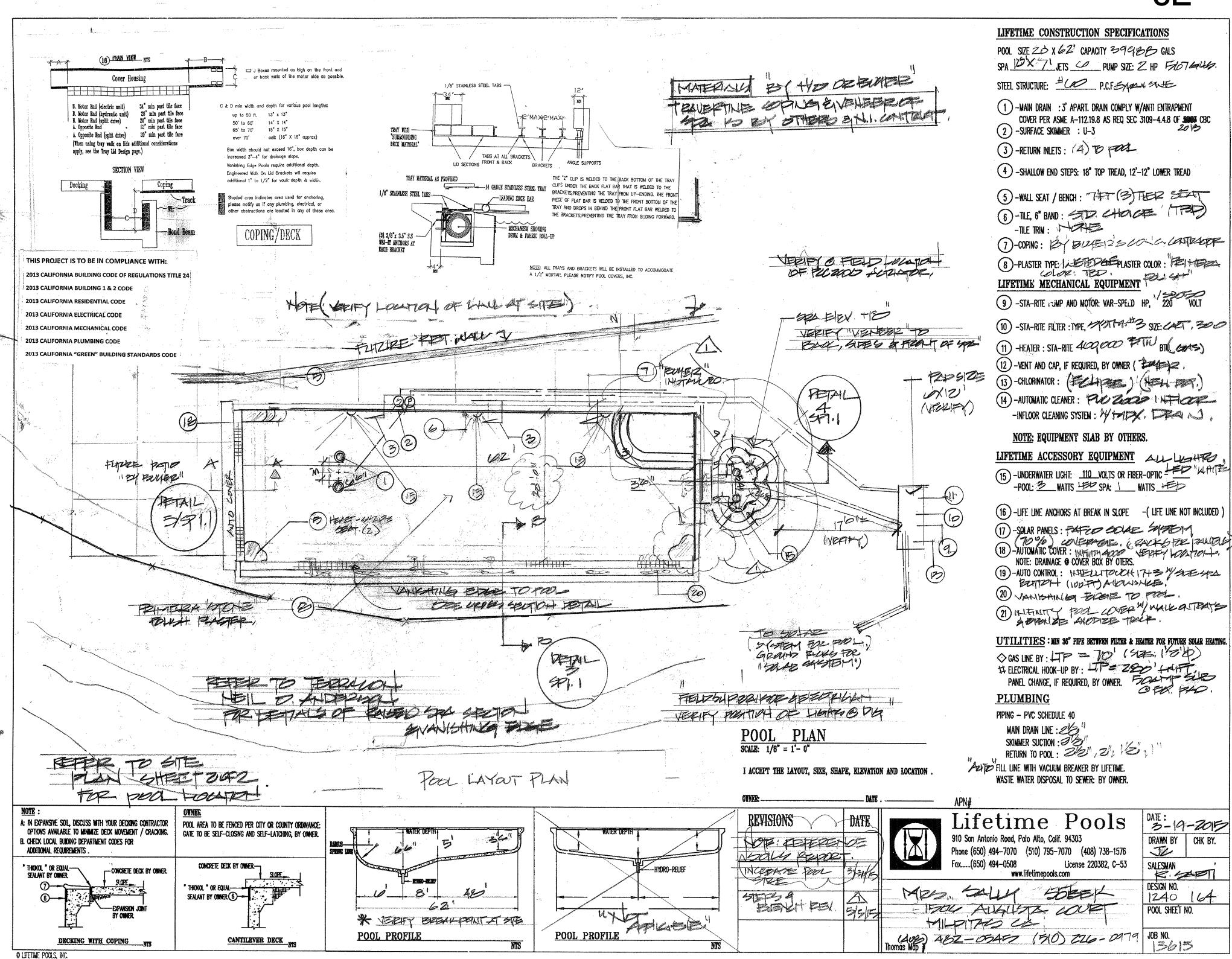
Notice of Exemption

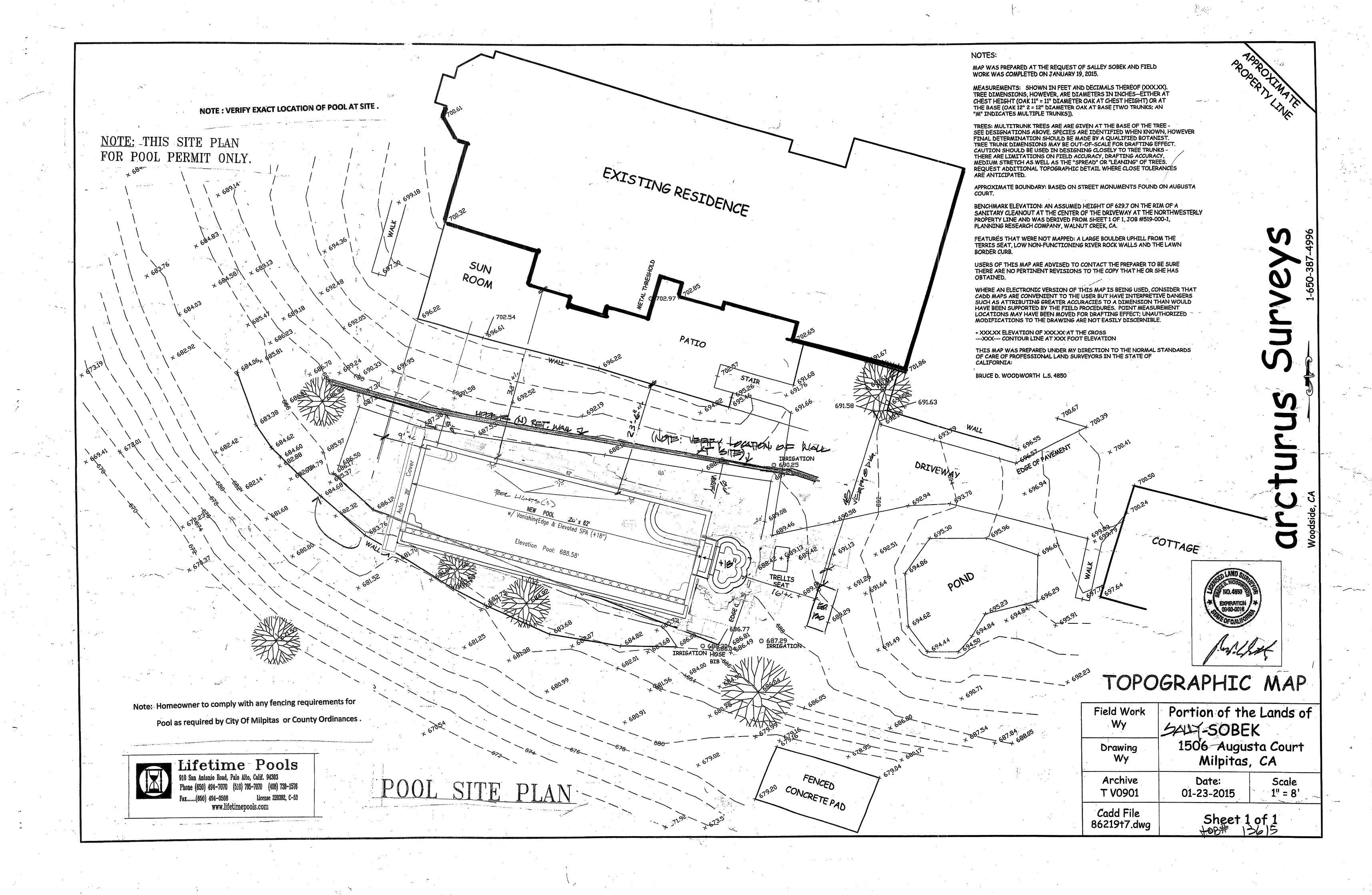
To: County Clerk

Santa Clara County 70 W. Hedding St., E. Wing, San Jose, CA 95110	1 st Floor	455 E. Calaveras Blvd Milpitas, CA 95035	•
Project Title: <u>Sobek Pool, Site Developer</u> Project Applicant: <u>Sally Sobek, property</u> Project Location – Specific: <u>1506 Augur</u> Project Location – City: Milpitas Description of Nature, Purpose and Ber an in-ground swimming pool and spa for pool will replace existing turf in the rear	y owner sta Court Project Location neficiaries of Project an existing sin	n – County: Santa Clara ect: The proposed project allows	
Name of Public Agency Approving Projet Name of Person or Agency Carrying Ou Services Dept.			<u>leighborhood</u>
Exempt Status: (Check one):			
Ministerial (Sec. 21080(b)(1); 19 Declared Emergency (Sec. 210 Emergency Project (Sec. 21080 Categorical Exemption. State to New Construction of a Small State Statutory Exemptions. State con	80(b)(3); 15269(a 0(b)(4); 15269(b)(pe and section n ructure		leline 15303
Reasons why project is exempt: The pro- existing single-family residence and no CEQA clearance is required. Pursuant to Guideline 15303, the Sobek pool project	further environments of Public Resource	ental documentation for the purposes Code section 21084 and CEC	oses of
Lead Agency Contact Person: Darryl Boyd	Area Co	ode/Telephone/Extension: <u>(408)</u>	586-3287
If filed by applicant: 1. Attach certified document of exer 2. Has a Notice of Exemption been		c agency approving the project?	Yes No
Signature:	Date:	Title:	
Signed by Lead Agency	Signed by Appli	cant	
Authority cited: Sections 21083, 21084 Reference: Sections 21108, 21152, and			
Date Received for filing at OPR: N/A			

From: (Public Agency): City of Milpitas







Azhar Khan

From:

Sent: To:	Tuesday, February 02, 2016 11:13 AM Azhar Khan
Cc: Subject:	haehui. chu Fwd: RE: Sobek Swimming Pool-1506 Augusta Ct.
Subject.	rwd. Re. Sobek Swiffining Poor-1506 Augusta Ct.
Hi Azhar,	
Thank you for your email.	
It is our concern not only mys Milpitas city	elf but also californian to save water from never ending drought as well as
	re allergic to dusts. Digging the ground within 100feets from my house and lumpster trucks in and out at MY FRONT DOOR are the objections.
Гhanks, James Chu	
Forwarded message - From: "Azhar Khan" < <u>akhan@</u> Date: Feb 2, 2016 10:00 Subject: RE: Sobek Swimmin Fo: "James Chu" < <u>jameschu2</u> Cc:	@ci.milpitas.ca.gov> g Pool-1506 Augusta Ct.
Hello Mr. Chu,	
Thank you for e-mail. In order t for you and your wife's disappr	o provide a better response to the Planning Commissioners, is there a particular reason oval of the proposed pool?
Thank you,	
AZHAR KHAN	
Junior Planner	
City of Milpitas Planning Divisi	on Planning & Neighborhood Services
akhan@ci.milpitas.ca.gov (408	8) 586-3283 Monday - Friday 8am-4:30pm Except Wednesday

James Chu <jameschu22@gmail.com>

From: James Chu [mailto:jameschu22@gmail.com]

Sent: Saturday, January 30, 2016 12:48 PM **To:** Azhar Khan akhan@ci.milpitas.ca.gov

Subject: Fwd: Sobek Swimming Pool-1506 Augusta Ct.

Resend

----- Forwarded message -----

From: "James Chu" < jameschu22@gmail.com>

Date: Jan 30, 2016 12:27 PM

Subject: Sobek Swimming Pool-1506 Augusta Ct.

To: <akhan@ci.milpitas.ca.org>

Cc:

Hi Azar Khan,

Please be advised that my wife and I do not want the constructions.

Hope this is considered as my vote.

Thanks, James chu 408.942.1926

1848 County Club Dr. Milpitas CA, 95035